

**GENE STILP**  
Petitioner, Pro Se  
-v-  
**DONALD TRUMP**  
Respondent  
  
**AL SCHMIDT**  
Respondent

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SEP 19 2023

PER [Signature]  
DEPUTY CLERK

1. The Petitioner Pro Se is Gene Stilp, a United States citizen, residing at 1550 Fishing Creek Valley Road, Harrisburg, Pa. 17112.
2. A Respondent, Donald Trump, is a United States citizen residing at the Mar-a-Lago Estate at 1100 South Ocean Boulevard, Palm Beach, Florida, 33480.
3. A Respondent, Al Schmidt, is the Secretary of the Commonwealth of Pennsylvania at 302 North Office Building, 401 North Street, Harrisburg, Pa 17120
4. Declaratory relief is sought from the United States District Court for the Middle District of Pennsylvania on the unresolved question as to whether the announced presidential candidate, Donald Trump, is actually allowed to be a candidate for president on the future Pennsylvania Republican primary election ballot, that is, is Donald Trump disabled from being a candidate for president under Section 3 of the Fourteenth Amendment and thereby barred from being on the Pennsylvania Republican Primary election ballot set for 2024?
5. The question on the eligibility of Donald Trump to be on the presidential ballot in Pennsylvania's Republican Primary race is completely and severely impacted by Section Three of the Fourteenth Amendment of the United States Constitution which reads as follows:

*No person shall be a Senator or Representative in Congress, or*

*elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.*

1. The United States Constitution was drafted in 1787 and ratified on June 21, 1788.
2. Sixty four years later, the United States Constitution and the entire concept of the United States of America were subjected to the ultimate test when the Confederate States of America were formed and the United States of America was actually violently attacked starting at Fort Sumter, South Carolina. The Civil War, as every American knows, was an attempt to dissolve the United States as it had existed since the ratification of the Constitution.
3. Four solid years of death and destruction ended with the defeat of the insurrectionist and rebellious Confederate States of America. Hundreds of thousands of citizens were killed. Hundreds of thousands more were injured and maimed. The President of the United States, Abraham Lincoln, was killed by an insurrectionist.
4. The sections of Fourteenth Amendment to the United States Constitution that are the usual focus of legal cases are sections Section 1 and 2. However, Section 3 is the section that clearly applies to the case in front of this United States Circuit Court.
5. The interpretation of Section 3 of the Fourteenth Amendment does not have a substantial history. But it is certain by the plain language of that section that the section was formed in order to disable former Confederate insurrectionists from holding the offices stated in the language of Section 3. That includes the office of President of the United States. Although the recent filing in *Caplan v. Trump* in the Southern District of Florida has been dismissed, part of its language is revealing. It says, "Former federal Judge Michael Lang of the U.S. Court of Appeals for the Fourth Circuit and noted legal scholar Laurence Tribe have both come to the ...conclusion that the disqualification cause was designed to operate directly

upon... certain individuals who betray their oath to the U.S. Constitution, whether it be by taking up arms to overturn our government or by waging war on our federal government by attempting to overturn the results of a presidential election through a bloodless coup.”

6. The case now turns from the actions taken by the Congress of the United States in 1868 to the actions that have occurred during the Presidency of Donald Trump more than one hundred and fifty two years later.
7. The first question that must be asked is if Section 3 has ever been deleted from the Constitutional Amendments? It has not. Section 3 still stands as the law of the land. The next question that must be asked is if the passage of time has done anything to tie the hands of the enforcement of Section 3 of the Fourteenth Amendment? The answer is no. Just like the First Amendment to our Constitution, which was ratified on December 15 of 1791, and the passage of time has does nothing to diminish it to the present. The mere passage of time has done nothing to diminish the effectiveness of Section 3 of our Constitution or make it invalid. It operates on its own and it not subject to outcome of criminal conviction.
8. The next question that must be asked is if Donald Trump has ever taken an oath to, as Section 3 says, “to support he Constitution of the United States.” The answer is that on January 20th of 2017, Donald Trump swore that he would support and defend the Constitution of the United States.
9. The next question that must be asked is if Congress of the United States by a vote of two thirds of each body has removed any disability of Donald Trump running for the office of President for the second time as required by the last line of Section 3 of the Fourteenth Amendment? The answer is that neither body of Congress, neither the House or Senate, has removed any disability that applies to Donald Trump running for President.
10. The remaining question is if Donald Trump, “shall have engaged in insurrection or rebellion against the same (the Constitution of the United States), or given aid or comfort to the enemies thereof.”?
11. In this case the court must decide if the actions taken by Donald Trump in the events that have taken place since Donald Trump swore to support the Constitution constitute the actions of insurrection or rebellion or giving aid and comfort to the enemies of the Constitution and thus prohibiting Donald Trump from running for office of president.

12. The Petition here shows that Donald Trump has disqualified and disabled himself from returning and running for the office of President of the United States. Trump has no one else to blame.
13. Petitioner in this case is required to put before the court facts that are the foundation for the Court to see that Donald Trump either supported insurrection or rebellion or supported those who were engaged in such rebellion and insurrection.
14. Events after the election of 2020 have to be scrutinized to ascertain if any acts of insurrection or rebellion can be attributed to Donald Trump or if any acts on his part supported those engaged in acts of rebellion or insurrection.
15. It should be clearly understood and documented that there is no requirement in Section 3 that the insurrection or rebellion that is supported is necessarily violent. The actions or efforts that are undertaken or supported do not need to be violent for Section 3 to be utilized to disqualify or disable a person from running for the mentioned offices including President in Section 3. Thus for Trump to be disqualified from running for president and being disqualified from being on the Pennsylvania Republican ballot it is not necessary for him to have committed violent acts.
16. The entire effort to undercut the election results in various states while not violent were actions taken to negate the results that were the outcome of a strictly constitutional process.
17. One must ask the question: Is it necessary that an insurrection or rebellion be successful for the terms of Article 3 to be brought to bear against an individual? The answer is no. The rebellion or insurrection does not have to be successful to disable the candidacy of an individual. The support of or giving aid and comfort to those engaged in a rebellion or insurrection also disqualifies an individual from seeking the presidential office even if those engaged in rebellion or insurrection are unsuccessful.
18. It is apparent from the wording of Article 3 that it is not necessary for a insurrection or a rebellion to be successful for the terms of Article 3 to be utilized. No where in Article 3 is there a requirement that successfully carrying out an insurrection of rebellion be successful for the terms of Article 3 to be utilized. Attempts to overthrow the government are all that are necessary.

19. Petitioner asks the Court to take judicial notice of the second impeachment of Donald Trump by the House of Representatives that was related to his actions and in-actions surrounding the events of the January 6th attack on the Capitol.
20. Petitioner asks that the Court to take judicial notice the the Congress of the United States is a branch of the government of the United States and as such, the attack on the Congress of the United States was in itself an act of rebellion and insurrection. It was not necessary for any business of the Congress to be interfered with to cross the threshold of insurrection or rebellion. The mere attack on the Congress was in itself sufficient to designate it an act of rebellion or insurrection.
21. The interference by the rebellious and insurrectionist mob that attacked the Congress and did result in the interference with constitutional duties was a further act of rebellion and insurrection.
22. The current successful prosecution of hundreds of defendants who participated in the January 6th attack on the senators, representatives, and staff who were at work in the Capitol on January 6th has to be considered when assessing if the words and actions of Donald Trump can be as considered as giving aid and comfort to those who were engaged in the insurrectionist activities to overturn the constitutional processes that were scheduled to take place on January sixth in addition to the storming of the Congress. Many of the defendants and those who testified before Congress stated that they were there at the direction of Donald Trump and acted at the direction of Donald Trump. The words of Donald Trump constituted support and direction for their actions. Trump directed the assembled crowd to march on the Congress. Trump inspired the crowd.
23. The current indictment of Donald Trump by Jack Smith and the prosecutorial team in regard to the vicious January 6 th attack on Congress further buttresses the conclusion the Donald Trump as a candidate falls under the scope of Section 3 of the Fourteenth Amendment and that Trump is definitely disabled from running from president again.
24. The Trump assertion that many states voting totals in the 2020 election were affected by voting fraud resulted in sixty of sixty-one cases being found wanting and unsuccessful. There was no fraud found. However, the pathway that Trump follows after these cases leads to further items that must be looked at in regard to the application of Section 3. The focus

shifted from voting fraud cases to the scheme to place fake sets of electors before the Congress to overturn the newly elected government. This action should be considered as a action taken as a constitutionally prohibited action which was designed to overturn the constitutional process.

25. The pressure exerted by Donald Trump on Vice President Mike Pence should also be considered as an act of rebellion and insurrection because it was an attempt to undercut the constitutional process and overturn the election.
26. The attempted presentment of new electors in various states including Pennsylvania where this current case is filed, is related to the current indictment of Trump and eighteen defendants in Fulton County, Georgia. Fake electors were part of the attempt to subvert the constitutional process of installing the newly elected government.
27. While it is an exercise of his free speech? Donald Trump shows where he is coming from when he has stated that the constitution should be overturned.
28. It is at this point that the inclusion of the Secretary of the Commonwealth of Pennsylvania becomes necessary because under 25 Pa 2621 of the Pennsylvania Unconsolidated Statutes because he duties of the Secretary.
29. The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:
  - a. To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act.
  - b. To examine and reexamine voting machines, and to approve or disapprove them for use in this state, in accordance with the provisions of this act. The secretary shall not approve any voting machine for any election, federal or state, in this Commonwealth, that does not comply with the requirements of section 301 of the Help America Vote Act of 2002 ( Public Law 107-252, 42 U.S.C.§ 15481 ).
  - c. To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices,

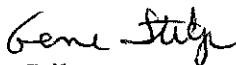
including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

30. The Secretary has sworn to uphold the Constitution of the United States. Therefore it is the duty of the Secretary to uphold Section three of the Fourteenth Amendment.
31. First it must be remembered that no conviction is necessary. It is the factual “engaging” in acts or supprting of acts that must be looked at. There is no requirement that Donald Trump had to be the leader of the insurrection or rebellion, only that Donald trump's actions and or words “gave aid or comfort” to those involved. Unfortunately for Donald Trump he crossed the threshold and went way beyond giving aid and comfort to actually being the leader as anyone reasonable citizen would agree.
32. Petitions like the present one before this court will be filed in various federal district courts and state courts across the nation. The state court petitions will eventually bring the question before the federal bench at all levels. Petitioner asks that the Secretary of the Commonwealth take this opportunity and present the Secretary of the Commonwealth's position on this immediate and vital question of Donald Trump's viability to be on the Pennsylvania Republican primary ballot and even the Secretary's ability to accept any type of filing that would be in the process of allowing Donald Trump to proceed to the petition process and eventaul ballot status.
33. Petitioner asks that this Court step up to it's constitutionally mandated duty of interpreting the constitutional provisions of Section three of the Fourteenth Amendment and, therefore, take the reasoned step of not allowing Donald Trump on the Pennsylvania Republican primary ballot for the 2024 primary. The citizens of Pennsylvania are not the ones to disable Donald Trump from his mission to be the next president of the United States. It is Donald Trump's own actions that this Court should find that are the disqualifying factors under Section three of the Fourteenth Amendment.
34. Wherefore, this Petitioner asks this venerable Court to enter a declaratory judgment stating that Donald Trump cannot have a position on the Pennsylvania Republican Primary ballot in

2024 and that Donald Trump, is barred from running for President of these United States of America.

35. In regard to standing and Mr. Stilp's constitutional interests, Petitioner Pro se Gene Stilp has been a life long citizen of the United States of America and has voted in all presidential elections upon reaching the legal voting age. Mr. Stilp is a Pennsylvania resident. Mr. Stilp was the plaintiff in a major federal First Amendment case, Stilp v. Contino in 2009-2010, which dealt with the illegal policies of the Pennsylvania Ethics Commission. The victory by Mr. Stilp before the unanimous Federal Third Circuit three judge panel (which incidentally and ironically included Trump's sister) allowed twelve million Pennsylvania citizens to have unrestricted ability to file valid claims with the Pennsylvania State Ethics Commission and speak about their filings. Mr. Stilp was the successful prose se plaintiff against the four caucuses of the Pennsylvania legislature in the 2005-2006 Pennsylvania Supreme Court Pay Raise Case that stopped the illegal actions of the legislature when raising their salaries. Mr.
36. Stilp has recently settled in his favor, twelve or more federal First Amendment cases involving the safely burning of altered Trump flags outside numerous county and community buildings in trash cans. The Trump flags had been altered to include the flags that showed Trump's horrible value system: one flag was Trump/Confederate flag showing his white racism; one flag was a Trump/ nazi flag showing his fascist leanings; and one flag was a Trump/old Soviet flag which showed his support and alliance with the war crimes perpetrator Putin. The ashes from the Trump flags were confined to the trash can of history.

With great respect,



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U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF SERVICE

(Use this form only if service is being made other than through the Court's electronic-filing system.)

Gene Stilp vs. Donald Trump No. 13-23-CV-1489

FRAP 25(b) through (d) require that at or before the time of filing a paper, a party must serve a copy on the other parties to the appeal or review. Unless the document is being served through the Court's electronic-filing system, the person making service must certify that the other parties have been served, indicating the date and manner of service, the names of the persons served, and their addresses. **You may use this form to fulfill this requirement.**

*Please type or print legibly.*

I hereby certify that on (date) September 14, 2023, a true and correct copy of the foregoing (title of filing) ~~A-M-E-T~~ Complaint and Request for Declaratory Relief has been (check one):

- ☒ sent by mail, postage prepaid
- ☐ deposited in the prison's internal mailing system with first-class postage prepaid
- ☐ sent by electronic means with the consent of the person being served
- ☐ other (specify manner of service) \_\_\_\_\_

and properly addressed to the persons whose names and addresses are listed below:

Donald Trump

Mar-a-Lago Estate  
1100 South Ocean Boulevard  
Palm Beach, Florida  
33480

Gene Stilp  
Your Name (please print)

  
Your Signature

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF SERVICE

(Use this form only if service is being made other than through the Court's electronic-filing system.)

Gene Stilp vs. Donald Trump

No. 1:23-cv-1489

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*Please type or print legibly.*

I hereby certify that on (date) September 4, 2023, a true and correct copy of the  
AMENDED Complaint and Request for Declaratory Relief  
foregoing (title of filing) \_\_\_\_\_ has been (check one):

- ☒ sent by mail, postage prepaid
- ☐ deposited in the prison's internal mailing system with first-class postage prepaid
- ☐ sent by electronic means with the consent of the person being served
- ☐ other (specify manner of service) \_\_\_\_\_

and properly addressed to the persons whose names and addresses are listed below:

Al Schmidt  
Secretary of the Commonwealth  
of Pennsylvania  
302 North Office Building  
401 North Street  
Harrisburg, Pa 17120

Rev.: 12/20

GENE STILP

Gene Stilp

1550 PCUR  
17112-9240

U.S. COURTHOUSE  
FEDERAL BUILDING

1501 NORTH 6TH ST.

Harrisburg Pa. 17102

ATTN: Peter Welsh, Chief Clerk

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